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Dated: June 7, 2006

Signature:

Elisabeth Dunkle
(Elisabeth Dunkle)

Docket No.: 58799(71699)
(PATENT)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Ronald Rodriguez et al.

Application No.: 10/510,592

Confirmation No.: 9269

Filed: August 17, 2005

Art Unit: 1635

For: **PACKAGING CELL LINE FOR DIPHTHERIA
TOXIN EXPRESSING NON-REPLICATING
ADENOVIRUS**

Examiner: B. A. Whiteman

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the restriction requirement set forth in the Office Action mailed May 8, 2006, Applicant hereby elects Group IV (claims 16, 17, 19, 20 and 22) for continued examination.

The Examiner has required restriction between Group I (claims 1-8), drawn to an adenovirus packaging cell line; Group II (claim 9), drawn to a method of producing adenovirus, Group III (claim 15), drawn to an adenovirus comprising a nucleic acid encoding DT-A or PEA; Group IV (claims 16, 17, 19, 20, 22), drawn to a method of killing cancer cells using an adenovirus; Group V (claims 24 and 25) drawn to a method of producing an immunotoxin; Group VI (claim 27), drawn to an immunotoxin; and Group VII (claims 28 and 29), drawn to a method of making a cell resistant to DT or PEA.

The election of Group IV (claims 16, 17, 19, 20 and 22) is being made solely to comply with the Restriction Requirement set forth in the Office Action. The right to file divisional applications on non-elected subject matter is reserved.

Applicants do not believe that any fee is due in connection with this response, however, if for any reason a fee is required, the Commissioner is hereby authorized and requested to charge Deposit Account No. **04-1105**.

Dated: June 7, 2006

Respectfully submitted,

By 

Jonathan M. Sparks, Ph.D.

Registration No.: 53,624

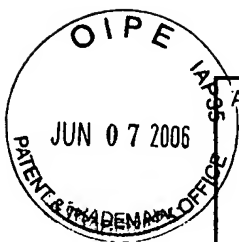
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Application No. (if known): 10/510,592

Attorney Docket No.: 58799(71699)

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IDS (Citation) by Applicant (4 References) (1 page)